



Costs Decision

Site visit made on 30 September 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Costs application in relation to Appeal Ref: APP/Q1153/W/25/3368902 Fairleigh Farm, Folly Gate, Devon EX20 3BA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Kirnig for a full award of costs against West Devon Borough Council.
 - The appeal was against the refusal of planning permission for conversion of an outbuilding to ancillary accommodation to the house.
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Decision

1. The application for costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. In respect of substantive matters, the PPG provides examples of unreasonable behaviour which may result in an award of costs. This includes preventing or delaying development which should clearly be permitted, failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. The applicant's claim is based on these grounds.
4. The applicant considers that the application should have been treated as a householder scheme and that the costs of a full application were not necessary. Be that as it may, the award of costs is limited to the appeal process.
5. The applicant says the Council applied Policy DEV10 of the Plymouth & South West Devon Joint Local Plan and heritage guidance incorrectly by failing to distinguish between what they describe as ancillary accommodation and a new dwelling. However, the Council provided a detailed objective analysis of the relationship between the proposed development and the host property in terms of a functional link. This requirement is set out clearly in Policy DEV10. Based on planning judgement, it was entirely reasonable for the Council to arrive at its conclusions on this matter. Similarly, in respect of heritage guidance, the officer report provides a comprehensive account of matters, with a detailed explanation of

the alleged harm caused to the building. This was not vague, and the Council has not prevented something that should clearly be permitted.

6. It is claimed that there has been a reliance on irrelevant policies. These are mostly concerned with the Council's spatial strategy. The Council explains in its submission that the second reason for refusal would fall away if I agreed that the proposal amounted to an annexe, which is how the case unfolded. Had I concluded that the proposed development was, by fact and degree, tantamount to a dwelling, then I would have explored this matter further, including any alleged development plan policy conflict.
7. In that context, the Council could have provided a more balanced overview of the merits of the proposal in respect of local and national policy support for reusing buildings in the countryside. This lack of objective analysis amounts to unreasonable behaviour, though the appeal was unavoidable. Based on the evidence presented on this matter, I do not find there has been any unnecessary or wasted expense.
8. Therefore, drawing these matters together, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hills

INSPECTOR